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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7695 OF 2007

Manohar Ramchandra Mirajkar ... Petitioner

V/s

1. The Schedule Tribe Certificate Scrutiny Committee, Pune Region, Pune & ors. ... Respondents

Mr. P.B.Shah for the petitioner.

Mr. R.D.Rane, Govt. Pleader for Resp.Nos. 1 and 3.

CORAM: J.N.PATEL AND
SMT. NISHITA MHATRE, JJ.

DATED: 10TH DECEMBER, 2007.

P.C.:

1. Heard learned counsel for the petitioner.

2. This petition can be disposed of at the stage of admission itself.

3. The petitioner is in the employment as a Depot Manager with respondent No.2. The petitioner claims that he belongs to Hindu Mahadev Koli which is notified as Scheduled Tribe. The caste certificate of the petitioner was sent to the respondent No.1 - The Scheduled Tribe Certificate Scrutiny Committee, for

verification and by the impugned order the same came to be invalidated.

4. We have gone through the impugned order. It has considered all the certificates on which the petitioner has placed reliance. During the course of scrutiny, enquiry was handed over to the Vigilance Cell which placed on record documents showing that the caste of the applicant's paternal relatives are recorded as Koli. Even the caste of his father, Ramchandra Tukaram Mirajkar, has been recorded as Koli.

5. It appears that the case of the petitioner before the Committee was that, Koli is a main tribe and Mahadev Koli, Malhar Koli, Tokari Koli, Dongar Koli, Bhil Koli, Dor Koli, etc. are the sub-tribes of Koli and in support of such contention reference was also made to certain books. The Committee was justified in not accepting the said explanation. It has further examined the petitioner on other aspects and had found that the petitioner was not in a position to prove his affinity to caste Mahadev Koli which is a scheduled tribe. It is pertinent to note that the petitioner tried to mislead the Scrutiny Committee by placing on record a school leaving certificate of his father Ramchandra Tukaram Mirajkar having date of birth 5.5.1914 and the date of

admission in school on 1.6.1919, from one V.G.Deshpande School which was found to be fake as the said school was not in existence at the relevant time. In our view, there is no other material placed before the Scrutiny Committee to come to the conclusion that the petitioner does belong to caste Mahadeo Koli and therefore it was justified in passing the impugned order.

6. We, therefore, do not find any merit in the petition and, therefore, we dismiss the petition with cost of Rs.10,000/-. Cost to be paid to the State by depositing the same with the Collector at Solapur within a period of four weeks, failing which the Collector, Solapur, will recover the cost by way of fine by resorting to the provisions of Maharashtra Land Revenue Code.

7. The Government Pleader to communicate this order to the Collector, Solapur, for taking an appropriate action. This is apart from the powers vested in the Caste Scrutiny Committee to prosecute the petitioner for making a false claim as provided under the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

(SMT.NISHITA MHATRE, J.) **(J.N. PATEL, J.)**